

116TH CONGRESS
1ST SESSION

H. R. 1364

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2019

Mr. SCOTT of Virginia (for himself, Mr. SABLAN, Mr. ESPAILLAT, Ms. WASSERMAN SCHULTZ, Mr. THOMPSON of Mississippi, Mr. NADLER, Mr. SCHIFF, Mrs. DINGELL, Mr. MCNERNEY, Ms. WILSON of Florida, Mr. LUJÁN, Ms. PINGREE, Mr. JOHNSON of Georgia, Mr. POCAN, Mr. TAKANO, Mr. CICILLINE, Mr. CRIST, Ms. MOORE, Ms. BLUNT ROCH-ESTER, Mr. KHANNA, Ms. OMAR, Mr. DEFazio, Ms. SCHAKOWSKY, Mr. GALLEG0, Ms. BONAMICI, Ms. VELÁZQUEZ, Ms. MENG, Ms. HAALAND, Mr. RYAN, Ms. NORTON, Mr. DESAULNIER, Ms. JACKSON LEE, Mr. GOMEZ, Ms. DELBENE, Mr. LEVIN of Michigan, Mr. RASKIN, Mr. VELA, Ms. HILL of California, Ms. ROYBAL-ALLARD, Mr. NORCROSS, Mr. HAS-TINGS, Mr. VARGAS, Ms. KAPTUR, Ms. SPEIER, Ms. FUDGE, Mr. KIL-MER, Ms. LEE of California, Mr. PRICE of North Carolina, Mr. QUIGLEY, Ms. FRANKEL, Mr. DEUTCH, Mrs. WATSON COLEMAN, Ms. MCCOLLUM, Mr. SEAN PATRICK MALONEY of New York, Mr. WELCH, Mr. COHEN, Mr. DANNY K. DAVIS of Illinois, Mr. CUMMINGS, Mr. HECK, Ms. SCHRIER, Mrs. HAYES, Ms. WILD, Mrs. LOWEY, Ms. BROWNLEY of Cali-fornia, Mr. MOULTON, Ms. CLARKE of New York, Mr. SERRANO, Ms. KUSTER of New Hampshire, Mr. MCEACHIN, Mr. KRISHNAMOORTHY, Ms. ESHOO, Mr. GREEN of Texas, Mrs. TRAHAN, Mr. PASCRELL, Mr. BEYER, Ms. ADAMS, Ms. TLAIB, Ms. PRESSLEY, Mr. BROWN of Maryland, Ms. DEGETTE, Mr. CASTRO of Texas, Mr. RICHMOND, Mr. LANGEVIN, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Mrs. NAPOLI-TANO, Mrs. LAWRENCE, Mr. TED LIEU of California, Mrs. TORRES of California, Mr. KENNEDY, Ms. SHALALA, Mr. COURTNEY, Mr. GRIJALVA, Ms. DELAURO, Ms. UNDERWOOD, Ms. LOFGREN, Mr. COX of California, Mr. MORELLE, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Care for Working Families Act”.

TITLE I—CHILD CARE AND DEVELOPMENT ASSISTANCE

SEC. 101. PURPOSES.

Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) to ensure that no low- to moderate-income family pays more than 7 percent of its household income on child care;”;

(2) by striking paragraph (2) and inserting the following:

“(2) to support working parents in making their own decisions regarding the child care services that best suit their family’s needs;”;

1 (3) in paragraph (4)—

2 (A) by striking “high-quality,” and insert-
3 ing “high-quality and inclusive, and”; and

4 (B) by inserting “, including before- and
5 after-school and summer care for school-age
6 children,” after “services”;

7 (4) in paragraph (5), by inserting before the
8 semicolon the following: “, and to help child care
9 programs meet evidence-based or national standards
10 to improve the quality of child care”;

11 (5) in paragraph (6)—

12 (A) by inserting “, including children with
13 disabilities and infants and toddlers with dis-
14 abilities” before the semicolon; and

15 (B) by striking “and” at the end;

16 (6) in paragraph (7)—

17 (A) by striking “high-quality” and insert-
18 ing “high-quality and inclusive”; and

19 (B) by striking the period at the end and
20 inserting “; and”; and

21 (7) by adding at the end the following:

22 “(8) to support statewide systems to support
23 the needs of infants and toddlers with disabilities,
24 better coordinate child care and other services, and
25 assist States in increasing the number of child care

1 providers that provide high-quality and inclusive
2 care to families of infants or toddlers with disabil-
3 ities and families of children with disabilities.”.

4 **SEC. 102. APPROPRIATIONS.**

5 Section 658B of the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
7 by striking all that follows the section heading and insert-
8 ing the following:

9 “(a) IN GENERAL.—There are authorized to be ap-
10 propriated and there are appropriated to carry out this
11 subchapter (other than paragraphs (1) and (2) of section
12 658O(a)) \$20,000,000,000 for fiscal year 2020,
13 \$30,000,000,000 for fiscal year 2021, \$40,000,000,000
14 for fiscal year 2022, and such sums as may be necessary
15 for fiscal year 2023 and each subsequent fiscal year.

16 “(b) TERRITORIES; INDIAN TRIBES.—There are au-
17 thorized to be appropriated and there are appropriated to
18 carry out paragraphs (1) and (2) of section 658O(a) such
19 sums as may be necessary for fiscal year 2020 and each
20 subsequent fiscal year.”.

21 **SEC. 103. ESTABLISHMENT OF PROGRAM.**

22 Section 658C of the Child Care and Development
23 Block Grant Act of 1990 (42 U.S.C. 9858a) is amended
24 to read as follows:

1 **“SEC. 658C. ESTABLISHMENT OF CHILD CARE PROGRAM.**

2 “The Secretary is authorized to administer a child
3 care program under which families in the State shall be
4 provided an opportunity to obtain child care for eligible
5 children, subject to the requirements of this subchapter.”.

6 **SEC. 104. LEAD AGENCY.**

7 Section 658D of the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9858b) is amended—

9 (1) in subsection (a), by striking “a grant” and
10 inserting “payments”; and

11 (2) in subsection (b)(1)(A), by inserting before
12 the semicolon the following: “, including by certi-
13 fying the eligibility of children”.

14 **SEC. 105. APPLICATION AND PLAN.**

15 (a) PLAN REQUIREMENTS.—Section 658E(c) of the
16 Child Care and Development Block Grant Act of 1990 (42
17 U.S.C. 9858c(c)) is amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (A)—

20 (i) by striking the matter preceding
21 clause (i) and inserting the following:

22 “(A) SUPPORTING WORKING PARENTS.—
23 Support working parents by providing assur-
24 ances that—”; and

25 (ii) by striking clause (i)(II) and in-
26 serting the following:

1 “(II) to enroll such child with a
2 child care provider who has received a
3 child care certificate from such parent
4 or parents;”;

5 (B) in subparagraph (E)—

6 (i) in clause (i)—

7 (I) by striking subclause (II) and
8 inserting the following:

9 “(II) the State’s tiered and
10 transparent system for measuring the
11 quality of child care providers, de-
12 scribed in subparagraph (W)(i), in-
13 cluding—

14 “(aa) a description of the
15 national standards or other
16 equally rigorous and evidence-
17 based standards tied to child out-
18 comes that the State uses for
19 purposes of subparagraph
20 (W)(i)(II)(aa);

21 “(bb) the payment rates re-
22 ferred to in paragraph (4), for
23 providers at each tier of such
24 system; and

1 “(cc) the number and per-
2 centage of eligible providers at
3 each tier of such system, in total
4 and disaggregated by geographic
5 location;”;

6 (II) in subclause (IV), by insert-
7 ing “the program carried out under
8 title II of the Child Care for Working
9 Families Act,” after “9831 et seq.”; and
10

11 (III) in subclause (VII), by strik-
12 ing “and” at the end;

13 (ii) in clause (ii), by striking the pe-
14 riod at the end and inserting a semicolon;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(iii) information about the State’s
19 wage ladder described in subparagraph
20 (G)(iii); and

21 “(iv) information on opportunities for
22 staff of child care providers to improve
23 their skills and credentials, including infor-
24 mation about training opportunities and

professional organizations that provide
such training.”;

(C) in subparagraph (G)—

(i) in clause (i), by striking “and professional development requirements” and inserting “, professional development, and compensation requirements”;

(ii) in clause (ii)(V)—

(I) by redesignating item (dd) as
item (ee);

(II) in item (cc), by striking
“and”; and

(III) by inserting after item (cc)
the following:

“(dd) infants and toddlers
with disabilities; and”;

(iii) by redesignating clauses (iii) and
(iv) as clauses (v) and (vi), respectively;
and

(iv) by inserting after clause (ii) the
following:

“(iii) COMPENSATION.—The plan
shall provide a description of the State’s
wage ladder for staff of eligible child care
providers, and an assurance that wages for

1 such staff will, at a minimum, meet the re-
2 quirements of paragraph (4)(B)(iii)(II).

3 “(iv) STAKEHOLDER ENGAGEMENT.—

4 The plan shall demonstrate how the State
5 will facilitate participation of staff of eligi-
6 ble child care providers in organizations
7 that foster the professional development
8 and stakeholder engagement of the child
9 care workforce.”;

10 (D) in subparagraph (I)—

11 (i) in clause (i)(XI), by striking “and”
12 at the end;

13 (ii) in clause (ii), by striking the pe-
14 riod and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(iii) may include a requirement to
18 comply with the standards recommended in
19 the Department of Health and Human
20 Services’ report entitled ‘Caring for Our
21 Children Basics: Health and Safety Foun-
22 dations for Early Care and Education’,
23 issued on June 25, 2015.”;

24 (E) in subparagraph (K)(i), in the matter
25 preceding subclause (I), by striking “, not later

1 than 2 years after the date of enactment of the
2 Child Care and Development Block Grant Act
3 of 2014,”;

4 (F) in subparagraph (M)—

5 (i) by adding “investment of quality
6 child care amounts described in section
7 658G(a)(1),” after “parents,”;

8 (ii) by redesignating clause (iv) as
9 clause (v);

10 (iii) in clause (iii), by striking “, as
11 defined by the State; and” and inserting a
12 semicolon; and

13 (iv) by inserting after clause (iii) the
14 following:

15 “(iv) infants and toddlers with disabil-
16 ities; and”;

17 (G) in subparagraph (N)—

18 (i) in clause (i)(I), by striking “, if
19 that family income does not exceed 85 per-
20 cent of the State median income for a fam-
21 ily of the same size”;

22 (ii) in clause (ii), by striking “(espe-
23 cially parents in families receiving assist-
24 ance under the program of block grants to
25 States for temporary assistance for needy

1 families under part A of title IV of the So-
2 cial Security Act (42 U.S.C. 601 et
3 seq.))”; and

4 (iii) by striking clause (iv);

5 (H) in subparagraph (O)—

6 (i) in clause (i), by striking “with pro-
7 grams operating” and all that follows and
8 inserting “with programs, operating at the
9 Federal, State, and local levels for chil-
10 dren, that are—

11 “(I) preschool programs, pro-
12 grams funded under title II of the
13 Child Care for Working Families Act,
14 programs funded under section 657C
15 of the Head Start Act, tribal early
16 childhood programs, and other early
17 childhood programs, including those
18 serving infants and toddlers with dis-
19 abilities;

20 “(II) programs serving homeless
21 children and children in foster care;
22 and

23 “(III) programs funded under
24 the Individuals with Disabilities Edu-
25 cation Act (20 U.S.C. 1400 et seq.).”;

- 1 (ii) by striking clause (ii); and
- 2 (iii) by redesignating clause (iii) as
- 3 clause (ii);
- 4 (I) in subparagraph (Q)—
- 5 (i) by striking “LOW-INCOME POPU-
- 6 LATIONS” and inserting “CHILDREN IN
- 7 UNDERSERVED AREAS, CHILDREN WITH
- 8 DISABILITIES, AND INFANTS AND TOD-
- 9 DLERS WITH DISABILITIES”;
- 10 (ii) by striking “high-quality” and in-
- 11 serting “high-quality and inclusive”; and
- 12 (iii) by inserting before the period the
- 13 following: “and to children with disabilities
- 14 and infants and toddlers with disabilities”;
- 15 (J) by striking subparagraph (S) and in-
- 16 serting the following:
- 17 “(S) PROHIBITION ON SUSPENSIONS, EX-
- 18 PULSIONS, AND AVERSIVE BEHAVIORAL INTER-
- 19 VENTIONS.—The State plan shall provide an as-
- 20 surance that the State will provide assistance to
- 21 carry out this subchapter only to eligible child
- 22 care providers that prohibit—
- 23 “(i) the use of suspension and expul-
- 24 sion of children; and

1 “(ii) the use of aversive behavioral
2 interventions.”;

3 (K) in subparagraph (T)—

4 (i) in clause (i)—

5 (I) in the matter preceding sub-
6 clause (I), by striking “(or develop
7 such guidelines if the State does not
8 have such guidelines as of the date of
9 enactment of the Child Care and De-
10 velopment Block Grant Act of 2014)”;
11 and

12 (II) in subclause (I), by striking
13 “research-based” and inserting “evi-
14 dence-based”; and

15 (ii) in clause (iv)—

16 (I) by striking subclauses (II)
17 and (III);

18 (II) by striking “Federal Govern-
19 ment” and all that follows through
20 “mandate” and inserting “Federal
21 Government to mandate”; and

22 (III) by striking “section;” and
23 inserting “section.”;

24 (L) in subparagraph (U)—

1 (i) in clause (ii), by inserting “the
2 State’s lead agency established or des-
3 ignated under section 635(a)(10) of the In-
4 dividuals with Disabilities Education Act
5 (20 U.S.C. 1435(a)(10)),” after “the State
6 resource and referral system,”; and

7 (ii) in clause (iii)(I), by inserting “in-
8 fants and toddlers with disabilities,” after
9 “children with disabilities,”; and

10 (M) by adding at the end the following:

11 “(W) TIERED AND TRANSPARENT SYSTEM
12 FOR MEASURING THE QUALITY OF CHILD CARE
13 PROVIDERS.—The State plan shall describe how
14 the State will develop or revise with input from
15 child care providers, from families, and from or-
16 ganizations representing child care directors,
17 teachers, and other staff, within 3 years after
18 the date of submission of the State application,
19 systems for measuring the quality of eligible
20 child care providers who provide services for
21 which assistance is made available under this
22 subchapter, that consist of—

23 “(i) a tiered and transparent system
24 for measuring the quality of eligible child

1 care providers who serve eligible children,
2 that—

3 “(I) applies to eligible child care
4 providers (except providers of family,
5 friend, or neighbor care that elect to
6 be covered under clause (ii));

7 “(II) includes a set of standards,
8 for determining the tier of quality of
9 a child care provider, that—

10 “(aa) uses the degree to
11 which the provider meets national
12 standards (which may be Head
13 Start program performance
14 standards described in section
15 641A(a) of the Head Start Act
16 (42 U.S.C. 9836a(a)) or stand-
17 ards for national accreditation of
18 early learning programs) or other
19 equally rigorous and evidence-
20 based standards that are tied to
21 child outcomes; and

22 “(bb) includes indicators
23 that are appropriate for different
24 types of providers, including child
25 care centers and family child care

1 providers, and are appropriate
2 for providers serving different
3 age groups (including mixed age
4 groups) of children, while main-
5 taining a high level of quality
6 child care by all of the different
7 types of providers and for all of
8 the different age groups (includ-
9 ing mixed age groups);

10 “(III) includes a different set of
11 standards that includes different indi-
12 cators, to be applied, when appro-
13 priate, for care during nontraditional
14 hours of operation; and

15 “(IV) in conjunction with the in-
16 creasing payment rates under para-
17 graph (4) (increasing due to factors
18 specified in paragraph (4) such as the
19 cost estimation model and quality
20 basis for payment rates), provides for
21 sufficient resources to enable stand-
22 ards at the entry tier for such system
23 to increase in rigor over time; and

24 “(ii) a separate system of quality
25 standards for providers concerning develop-

1 mentally appropriate and age-appropriate
2 care that—

3 “(I) applies to eligible child care
4 providers of family, friend, or neigh-
5 bor care (except such providers that
6 elect to be covered under clause (i));
7 and

8 “(II) includes standards for care
9 during nontraditional hours of oper-
10 ation and traditional hours of oper-
11 ation.

12 “(X) PROHIBITION ON CHARGING MORE
13 THAN COPAYMENT.—The State plan shall pro-
14 vide that, after the systems described in sub-
15 paragraph (W) are in effect, child care pro-
16 viders receiving financial assistance under this
17 subchapter may not charge the family of an eli-
18 gible child more than the total of—

19 “(i) the financial assistance provided
20 to the family under this subchapter; and

21 “(ii) any applicable copayment pursu-
22 ant to paragraph (5).

23 “(Y) POLICIES TO SUPPORT CHILDREN
24 WITH DISABILITIES AND INFANTS AND TOD-

1 DLERS WITH DISABILITIES.—The State plan
2 shall provide a description of—

3 “(i) how the State will ensure that eli-
4 gible child care providers, except for pro-
5 viders of family, friend, or neighbor care
6 that elect to be covered under subpara-
7 graph (W)(ii), will prioritize children with
8 disabilities and infants and toddlers with
9 disabilities for slots in programs carried
10 out by the providers; and

11 “(ii) how the State will work with the
12 State’s lead agency established or des-
13 ignated under section 635(a)(10) of the In-
14 dividuals with Disabilities Education Act
15 (20 U.S.C. 1435(a)(10)), local educational
16 agencies, and early intervention services
17 providers to provide services and supports
18 described in the Individuals with Disabil-
19 ities Education Act (20 U.S.C. 1400 et
20 seq.) in inclusive child care settings to chil-
21 dren with disabilities, and to infants and
22 toddlers with disabilities, who are eligible
23 children.”;

24 (2) in paragraph (3)—

1 (A) in the paragraph heading, by striking
2 “BLOCK GRANT”;

3 (B) in subparagraph (A), by striking “sub-
4 paragraphs (B) through (D)” and inserting
5 “subparagraph (C)”;

6 (C) by striking subparagraph (B) and in-
7 serting the following:

8 “(B) CHILD CARE SERVICES AND RELATED
9 ACTIVITIES.—The State shall use amounts pro-
10 vided to the State for each fiscal year under
11 this subchapter for child care services, provided
12 on a sliding fee scale basis, and the activities
13 described in section 658G.”;

14 (D) by striking subparagraph (C);

15 (E) in subparagraph (D), by striking “pro-
16 vide assistance” and inserting “provide assist-
17 ance (including providing access to programs
18 that meet the standards for a high tier of the
19 system described in paragraph (2)(W)(i))”;

20 (F) by striking subparagraph (E); and

21 (G) by redesignating subparagraph (D) as
22 subparagraph (C); and

23 (3) by striking paragraphs (4) and (5) and in-
24 serting the following:

25 “(4) PAYMENT RATES.—

1 “(A) IN GENERAL.—The State plan
2 shall—

3 “(i) certify that payment rates for the
4 provision of child care services for which
5 assistance is provided in accordance with
6 this subchapter—

7 “(I) will be based on a cost esti-
8 mation model that is described in sub-
9 paragraph (B) and is approved by the
10 Secretary of Health and Human Serv-
11 ices; and

12 “(II) will correspond to dif-
13 ferences in quality based on the
14 State’s tiered and transparent system
15 for measuring the quality of child care
16 providers, described in paragraph
17 (2)(W)(i), and based on the standards
18 described in paragraph (2)(W)(ii); and

19 “(ii) specify whether the State is
20 electing—

21 “(I) to include, in those payment
22 rates, a bonus for serving children
23 during nontraditional hours; or

24 “(II) to waive the copayment de-
25 scribed in paragraph (5) for a child

1 who has been identified as eligible for
2 assistance from child protective serv-
3 ices.

4 “(B) COST ESTIMATION MODEL.—The
5 State plan shall—

6 “(i) demonstrate that the State has,
7 after consulting with the entities and indi-
8 viduals described in subparagraph (D), de-
9 veloped and used (not earlier than 3 years
10 before the date of the submission of the
11 application containing the State plan) a
12 statistically valid and reliable cost esti-
13 mation model for the rates of such child
14 care services in the State—

15 “(I) for providers at each of the
16 tiers of the State’s tiered and trans-
17 parent system for measuring the qual-
18 ity of child care providers described in
19 paragraph (2)(W)(i) (which rates re-
20 flect variations in the cost of child
21 care services by geographic area, type
22 of provider, and age of child, and the
23 additional costs associated with pro-
24 viding high-quality and inclusive child
25 care services for children with disabil-

ities and infants and toddlers with disabilities); and

“(II) for providers that meet the standards described in paragraph (2)(W)(ii);

“(ii) demonstrate that the State prepared a detailed report containing the child care costs estimated with the State cost estimation model pursuant to clause (i), and made the estimated costs widely available (not later than 30 days after the completion of the estimation) through periodic means, including posting the estimated costs on the Internet;

“(iii) describe how the State will set payment rates for child care services, for which assistance is provided in accordance with this subchapter—

“(I) in accordance with the most recent estimates from the most recent cost estimation model used pursuant to clause (i), so that providers at each tier of the tiered and transparent system for measuring program quality receive payment that is not less than

1 the cost of meeting the requirements
2 of such tier; and

3 “(II) that maintain an effective
4 and diverse workforce by ensuring
5 wages for staff of child care providers
6 that—

7 “(aa) are comparable to
8 wages for elementary educators
9 with similar credentials and expe-
10 rience in the State; and

11 “(bb) at a minimum, provide
12 a living wage for all staff of child
13 care providers; and

14 “(iv) describe how the State will pro-
15 vide for timely payment for child care serv-
16 ices provided under this subchapter.

17 “(C) PAYMENT PRACTICES.—The State
18 plan shall include—

19 “(i) a certification that the payment
20 practices of child care providers in the
21 State that serve children who receive as-
22 sistance under this subchapter reflect gen-
23 erally accepted payment practices of child
24 care providers in the State that serve chil-
25 dren who do not receive assistance under

1 this subchapter, including the practice of
2 paying the providers the payment rate de-
3 scribed in subparagraph (A)(i) based on
4 the number of children enrolled and not
5 the number of children in daily attendance,
6 so as to provide stability of funding and
7 encourage more child care providers to
8 serve children who receive assistance under
9 this subchapter; and

10 “(ii) an assurance that the State will
11 implement enrollment and eligibility poli-
12 cies that support the fixed costs of pro-
13 viding child care services by delinking pro-
14 vider payment rates from an eligible child’s
15 occasional absences due to holidays or un-
16 foreseen circumstances such as illness.

17 “(D) ENTITIES AND INDIVIDUALS CON-
18 SULTED.—The entities and individuals referred
19 to in subparagraph (B)(i) are the State Advi-
20 sory Council on Early Childhood Education and
21 Care designated or established in section
22 642B(b)(1)(A)(i) of the Head Start Act (42
23 U.S.C. 9837b(b)(1)(A)(i)), administrators of
24 local child care programs and Head Start pro-
25 grams, organizations representing child care di-

1 rectors, teachers, and other staff, local child
2 care resource and referral agencies, organiza-
3 tions representing parents of children with dis-
4 abilities and parents of infants and toddlers
5 with disabilities, the State interagency coordi-
6 nating council established under section 641 of
7 the Individuals with Disabilities Education Act
8 (20 U.S.C. 1441), the State advisory panel es-
9 tablished under section 612(a)(21) of the Indi-
10 viduals with Disabilities Education Act (20
11 U.S.C. 1412(a)(21)), and other appropriate en-
12 tities.

13 “(5) SLIDING SCALE FOR COPAYMENTS.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraphs (B)(i) and (C), the State plan
16 shall provide an assurance that the State will
17 require—

18 “(i) a family receiving assistance
19 under this subchapter to pay the copay-
20 ment referred to in paragraph (2)(X); or

21 “(ii) another entity to pay the copay-
22 ment on behalf of the family, voluntarily or
23 in accordance with Federal law.

1 “(B) SLIDING SCALE.—Such copayment
2 shall be based on a sliding scale that provides
3 that, for a family with a family income—

4 “(i) of not more than 75 percent of
5 State median income, the family shall not
6 pay a copayment, toward the cost of the
7 child care involved for all eligible children
8 in the family;

9 “(ii) of more than 75 percent but not
10 more than 100 percent of State median in-
11 come, the copayment shall be more than 0
12 but not more than 2 percent of that family
13 income, toward such cost for all such chil-
14 dren;

15 “(iii) of more than 100 percent but
16 not more than 125 percent of State me-
17 dian income, the copayment shall be more
18 than 2 but not more than 4 percent of that
19 family income, toward such cost for all
20 such children; and

21 “(iv) of more than 125 percent but
22 not more than 150 percent of State me-
23 dian income, the copayment shall be more
24 than 4 but not more than 7 percent of that

1 family income, toward such cost for all
2 such children.

3 “(C) SPECIAL RULE.—The State shall not
4 require a family with a child that is eligible for
5 a Head Start program under the Head Start
6 Act (42 U.S.C. 9831 et seq.) to pay a copay-
7 ment under this paragraph for any eligible child
8 in the family.”.

9 **SEC. 106. LIMITATIONS.**

10 Section 658F is amended—

11 (1) by striking the section heading and insert-
12 ing the following:

13 **“SEC. 658F. LIMITATIONS.”;**

14 and

15 (2) in subsection (b)(1), by striking “section
16 658O(c)(6)” and inserting “section 658O(b)(6)”.

17 **SEC. 107. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
18 **CARE.**

19 Section 658G of the Child Care and Development
20 Block Grant Act of 1990 (42 U.S.C. 9848e) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “A
23 State” and all that follows through “for activi-
24 ties” and inserting “A State that receives a
25 payment under section 658J shall reserve and

1 use the quality child care amount described in
2 paragraph (2) for activities”;

3 (i) by adding “for all age groups of el-
4 igible children” before “, and is in align-
5 ment with”; and

6 (B) by striking paragraphs (2) and (3) and
7 inserting the following:

8 “(2) QUALITY CHILD CARE AMOUNT.—Such
9 State shall reserve and use—

10 “(A) during fiscal years 2020 through
11 2022, from each payment made to the State for
12 a fiscal year, a quality child care amount equal
13 to 50 percent of the allotment; and

14 “(B) during fiscal year 2023 and each sub-
15 sequent fiscal year, from each of the quarterly
16 payments made to the State for a fiscal year,
17 a quality child care amount equal to not more
18 than 10 percent of 25 percent of the amount
19 made available to the State to carry out this
20 subchapter for the second preceding fiscal
21 year.”; and

22 (2) by striking subsection (b) and inserting the
23 following:

24 “(b) ACTIVITIES.—

1 “(1) IN GENERAL.—Quality child care amounts
2 reserved under subsection (a) shall be used to carry
3 out activities that—

4 “(A) consist of—

5 “(i) each of the activities described in
6 subparagraphs (A) and (B) of paragraph
7 (2), and the activities described in para-
8 graph (2)(C) under the circumstances de-
9 scribed in that paragraph;

10 “(ii) the activities described in para-
11 graph (3);

12 “(iii) at the election of the State, the
13 activities described in paragraph (4);

14 “(iv) not fewer than one of the activi-
15 ties described in a subparagraph of para-
16 graph (5);

17 “(v) not fewer than one of the activi-
18 ties described in a subparagraph of para-
19 graph (6), or in the matter preceding sub-
20 paragraph (A) of paragraph (6);

21 “(vi) each of the activities described
22 in paragraph (7);

23 “(vii) one or more activities described
24 in a subparagraph of paragraph (8); and

1 “(viii) at the election of the State dur-
2 ing fiscal years 2020 through 2022—

3 “(I) remodeling, renovation, or
4 repair permitted under section
5 658F(b); or

6 “(II) construction or renovation
7 permitted under section 658O(b)(6),
8 with priority for funding for such con-
9 struction or renovation given to—

10 “(aa) providers of high-qual-
11 ity and inclusive care for children
12 with disabilities and infants and
13 toddlers with disabilities;

14 “(bb) care during nontradi-
15 tional hours;

16 “(cc) providers in rural
17 areas; and

18 “(dd) providers in under-
19 served areas or areas of con-
20 centrated poverty; and

21 “(B) will improve the quality of child care
22 services provided in the State.

23 “(2) QUALITY IMPROVEMENT GRANTS.—A
24 State shall use quality child care amounts to im-
25 prove the quality of child care providers across the

1 State that are eligible for assistance under this sub-
2 chapter, including by—

3 “(A) making startup grants (including, in
4 the case of providers of family, friend, or neigh-
5 bor care, grants for activities described in para-
6 graph (8)(H)) to child care providers that are
7 not yet participating in the tiered and trans-
8 parent system for measuring the quality of
9 child care providers described in section
10 658E(c)(2)(W)(i), in a fiscal year, and that
11 commit to improve quality so that the provider
12 involved can participate in that system in the
13 subsequent fiscal year;

14 “(B) making quality improvement grants
15 to child care providers that meet the require-
16 ments for a tier of the State tiered and trans-
17 parent system for measuring the quality of
18 child care providers described in section
19 658E(c)(2)(W)(i), in a fiscal year, and that
20 commit to improve quality so that the provider
21 involved can meet the requirements for a higher
22 tier in the subsequent 3 fiscal years; and

23 “(C) renewing a grant described in sub-
24 paragraph (A) or (B) at the end of the applica-
25 ble grant period, for a provider that dem-

1 onstrates sufficient progress in meeting the
2 goals for the grant.

3 “(3) ACTIVITIES TO ASSIST HOMELESS CHIL-
4 DREN AND CHILDREN IN FOSTER CARE.—A State
5 shall use quality child care amounts for activities
6 that improve access to child care services for home-
7 less children and children in foster care, including—

8 “(A) the use of procedures to permit im-
9 mediate enrollment of homeless children and
10 children in foster care while required docu-
11 mentation is obtained;

12 “(B) training and technical assistance on
13 identifying and serving homeless children and
14 their families, and children in foster care and
15 their foster families; and

16 “(C) specific outreach to homeless families
17 and foster families.

18 “(4) CHILD CARE RESOURCE AND REFERRAL
19 SYSTEM.—

20 “(A) IN GENERAL.—A State may use qual-
21 ity child care amounts to establish or support
22 a system of local or regional child care resource
23 and referral organizations that is coordinated,
24 to the extent determined appropriate by the
25 State, by a statewide public or private non-

1 profit, community-based or regionally based,
2 lead child care resource and referral organiza-
3 tion.

4 “(B) LOCAL OR REGIONAL ORGANIZA-
5 TIONS.—The local or regional child care re-
6 source and referral organizations supported as
7 described in subparagraph (A) shall—

8 “(i) provide parents in the State with
9 consumer education information referred
10 to in section 658E(c)(2)(E) (except as oth-
11 erwise provided in that section), concerning
12 the full range of child care options (includ-
13 ing faith-based and community-based child
14 care providers), analyzed by provider, in-
15 cluding child care provided during non-
16 traditional hours, child care provided
17 through emergency child care centers, and
18 inclusive child care options for children
19 with disabilities and infants and toddlers
20 with disabilities, in their political subdivi-
21 sions or regions;

22 “(ii) to the extent practicable, work
23 directly with families who receive assist-
24 ance under this subchapter to offer the
25 families support and assistance, using in-

1 formation described in clause (i), to make
2 an informed decision about which child
3 care providers they will use, in an effort to
4 ensure that the families are enrolling their
5 children in the most appropriate child care
6 setting to suit their needs and one that
7 provides high-quality and inclusive care;

8 “(iii) collect data and provide infor-
9 mation on the coordination of services and
10 supports, including services provided under
11 section 619 and part C of the Individuals
12 with Disabilities Education Act (20 U.S.C.
13 1419, 1431 et seq.), for children with dis-
14 abilities and infants and toddlers with dis-
15 abilities, and services provided under the
16 Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 6301 et seq.);

18 “(iv) collect data and provide informa-
19 tion on the supply of and demand for child
20 care services in political subdivisions or re-
21 gions within the State and submit such in-
22 formation to the State;

23 “(v) work to establish partnerships
24 with public agencies and private entities,
25 including faith-based and community-based

1 child care providers, to increase the supply
2 and quality of child care services in the
3 State;

4 “(vi) as appropriate, coordinate their
5 activities with the activities of the State
6 lead agency and local agencies that admin-
7 ister funds made available in accordance
8 with this subchapter; and

9 “(vii) work to establish partnerships
10 with the parent resource centers estab-
11 lished under section 672 of the Individuals
12 with Disabilities Education Act (20 U.S.C.
13 1472) to provide information about inclu-
14 sive child care options for children with
15 disabilities and infants and toddlers with
16 disabilities, including children with more
17 significant disabilities and children with
18 complex medical needs.

19 “(5) TRAINING AND PROFESSIONAL DEVELOP-
20 MENT.—A State shall use quality child care amounts
21 for supporting the training and professional develop-
22 ment of the child care workforce through activities
23 such as those included under section 658E(c)(2)(G),
24 in addition to—

1 “(A)(i) offering training, coaching, or pro-
2 fessional development opportunities for child
3 care providers that relate to the use of evi-
4 dence-based, developmentally appropriate and
5 age-appropriate strategies to promote the social,
6 emotional, physical, adaptive, communication,
7 and cognitive development of children, including
8 key programmatic strategies; and

9 “(ii) offering specialized training for child
10 care providers caring for those populations
11 prioritized in section 658E(c)(2)(Q), homeless
12 children, children in foster care, children who
13 are dual language learners, and children with
14 disabilities and infants and toddlers with dis-
15 abilities;

16 “(B) incorporating the effective use of data
17 to guide program improvement;

18 “(C) implementing effective behavior man-
19 agement strategies (and related training), in-
20 cluding implementing multitiered systems of
21 support such as support through positive behav-
22 ior interventions and supports, and trauma in-
23 formed care, that—

24 “(i) promote positive social and emo-
25 tional development;

1 “(ii) prevent and reduce challenging
2 behaviors, including by setting consistent
3 expectations for all students; and

4 “(iii) eliminate suspensions, expul-
5 sions, and aversive behavioral interven-
6 tions;

7 “(D) providing training and outreach on
8 engaging parents and families in culturally and
9 linguistically appropriate ways, including for
10 parents and families of dual language learners,
11 to expand their knowledge, skills, and capacity
12 to become meaningful partners in supporting
13 their children’s positive development;

14 “(E) providing training corresponding to
15 the nutritional and physical activity needs of
16 children to promote healthy development;

17 “(F) providing training or professional de-
18 velopment for child care providers regarding the
19 early neurological development of children;

20 “(G) connecting staff members of child
21 care providers with available Federal and State
22 financial aid, or other resources, that would as-
23 sist the staff members in pursuing relevant
24 postsecondary training;

1 “(H) creating or expanding a statewide
2 scholarship program for child care providers to
3 obtain credentials related to child care;

4 “(I) creating or expanding an apprentice-
5 ship program for child care providers in the
6 early years of providing child care;

7 “(J) providing training, scholarship oppor-
8 tunities, or apprenticeships for multilingual
9 adults in order to expand the supply of high-
10 quality, dual-language child care programs;

11 “(K) supporting articulation agreements
12 between public institutions of higher education
13 that offer 2-year programs and public institu-
14 tions of higher education that offer 4-year pro-
15 grams, for the purposes of facilitating, for child
16 care providers or individuals seeking to become
17 such providers, the transfer of postsecondary
18 credits for coursework related to child care
19 from such institutions with 2-year programs to
20 such institutions with 4-year programs;

21 “(L) providing training and professional
22 development on child developmental milestones
23 and evidence-based developmental screening
24 practices that help identify infants, toddlers,
25 and children to be referred for evaluation con-

cerning eligibility for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); or

“(M) undertaking efforts to improve the diversity of staff of eligible providers, including efforts to recruit a more diverse workforce.

“(6) PROGRAMS AND SERVICES FOR INFANTS AND TODDLERS.—A State shall use quality child care amounts to promote and expand child care providers’ ability to provide developmentally appropriate services for infants and toddlers through activities that may include—

“(A)(i) training and professional development; and

“(ii) coaching and technical assistance on this age group’s unique needs from statewide networks of qualified infant-toddler specialists;

“(B) improving infant and toddler components within the State’s tiered and transparent system for measuring the quality of child care providers described in section 658E(c)(2)(W)(i), for child care providers for infants and toddlers, or developing infant and toddler components in a State’s child care licensing regulations or early learning and development guidelines;

1 “(C) improving the ability of parents to ac-
2 cess transparent and easy to understand con-
3 sumer information about high-quality and inclu-
4 sive care for infants and toddlers; or

5 “(D) carrying out other activities deter-
6 mined by the State to improve the quality of in-
7 fant and toddler care provided in the State, and
8 for which there is evidence that the activities
9 will lead to improved infant and toddler health
10 and safety, infant and toddler cognitive and
11 physical development, infant and toddler well-
12 being, or infant and toddler social and emo-
13 tional development, including providing health
14 and safety training (including training in safe
15 sleep practices, first aid, and cardiopulmonary
16 resuscitation) for providers and caregivers.

17 “(7) INCLUSIVE CARE FOR CHILDREN WITH
18 DISABILITIES AND INFANTS AND TODDLERS WITH
19 DISABILITIES.—A State shall use quality child care
20 amounts for activities to improve the supply of eligi-
21 ble child care providers that provide high-quality and
22 inclusive care for children with disabilities and in-
23 fants and toddlers with disabilities through activi-
24 ties, which shall include—

1 “(A) offering training, professional devel-
2 opment, or coaching opportunities for child care
3 providers that relate to the use of evidence-
4 based, developmentally appropriate, and age-ap-
5 propriate strategies in inclusive settings to pro-
6 mote the social, emotional, physical, adaptive,
7 communication, and cognitive development of
8 children with disabilities and infants and tod-
9 dlers with disabilities, and their peers;

10 “(B) improving the ability of parents to
11 access transparent and easy-to-understand con-
12 sumer information about high-quality and inclu-
13 sive care for children with disabilities and in-
14 fants and toddlers with disabilities; and

15 “(C) promoting and expanding child care
16 providers’ ability to provide developmentally ap-
17 propriate services for infants and toddlers with
18 disabilities through improved coordination of
19 systems, services, and other activities with the
20 providers and individuals who provide services
21 or supports under the Individuals with Disabil-
22 ities Education Act (20 U.S.C. 1400 et seq.).

23 “(8) OTHER ACTIVITIES.—A State may use
24 quality child care amounts for—

1 “(A) improving upon the development or
2 implementation of the early learning and devel-
3 opmental guidelines described in section
4 658E(c)(2)(T) by providing technical assistance
5 to eligible child care providers that enhances
6 the cognitive, physical, social, and emotional de-
7 velopment, including early childhood develop-
8 ment, of participating preschool and school-
9 aged children and supports their overall well-
10 being;

11 “(B) developing, implementing, or enhance-
12 ing the State’s tiered and transparent system
13 for measuring the quality of child care pro-
14 viders, as described in section
15 658E(c)(2)(W)(i);

16 “(C) facilitating compliance with State re-
17 quirements for inspection, monitoring, training,
18 and health and safety, and with State licensing
19 standards;

20 “(D) evaluating and assessing the quality
21 and effectiveness of child care programs and
22 services offered in the State, including evalu-
23 ating how such programs positively impact chil-
24 dren;

1 “(E) supporting child care providers in the
2 voluntary pursuit of accreditation by a national
3 accrediting body with demonstrated, valid, and
4 reliable program standards of high quality;

5 “(F) supporting State or local efforts to
6 develop or adopt high-quality program stand-
7 ards relating to health, mental health, social
8 and emotional development, nutrition, physical
9 activity, and physical development;

10 “(G) activities that improve the availability
11 of child care services, activities that improve ac-
12 cess to child care services, and any other activ-
13 ity that the State determines to be appropriate
14 to meet the purposes of this subchapter, with
15 priority being given for services (including giv-
16 ing priority access to services through providers
17 at the highest tier of the system described in
18 section 658E(c)(2)(W)(i)) to homeless children,
19 children in foster care, children of families with
20 very low family incomes (taking into consider-
21 ation family size), children with disabilities, and
22 infants and toddlers with disabilities;

23 “(H) activities to improve the quality of
24 providers of family, friend, or neighbor care,
25 which may include—

1 “(i) offering education, training, busi-
2 ness development, apprenticeship, men-
3 toring, or leadership development opportu-
4 nities for the providers;

5 “(ii) conducting home visits and
6 coaching that provide one-on-one advice
7 and support;

8 “(iii) conducting play and learn ses-
9 sions or other types of peer networking;

10 “(iv) facilitating participation in the
11 program carried out under this subchapter
12 or the child and adult care food program
13 established under section 17 of the Richard
14 B. Russell National School Lunch Act (42
15 U.S.C. 1766);

16 “(v) assistance in achieving licensure,
17 if the provider wants to become licensed;
18 and

19 “(vi) recruiting providers of family,
20 friend, or neighbor care to build the supply
21 of high-quality and inclusive care by such
22 providers;

23 “(I)(i) supporting eligible child care pro-
24 viders to eliminate suspensions, expulsions, and
25 aversive behavioral interventions, including

1 through adaptations and interventions by spe-
2 cial educators, mental health consultants, and
3 other community resources, such as behavior
4 coaches, psychologists, and other appropriate
5 specialists; and

6 “(ii) promoting multitiered systems of sup-
7 port such as positive behavioral interventions
8 and supports and trauma informed care that
9 promote positive social and emotional develop-
10 ment and reduce challenging behaviors;

11 “(J) activities to improve the supply and
12 quality of child care programs and services to
13 provide high-quality and inclusive care for
14 school-age children, which may include—

15 “(i) establishing or expanding high-
16 quality and inclusive school-age child care
17 standards and a system of supports for
18 such care that align with best practices for
19 before- and after-school care and summer
20 care;

21 “(ii) enhancing professional develop-
22 ment and technical assistance opportuni-
23 ties for providers of school-age care; and

24 “(iii) improving the ability of parents
25 to access transparent and easy to under-

1 stand consumer information about high-
2 quality and inclusive school-age care;

3 “(K) establishing or expanding high-qual-
4 ity and inclusive community or neighborhood-
5 based family and child development centers,
6 which shall serve as resources for child care
7 providers in order to improve the quality of
8 early childhood services provided to children
9 from low-income families and to help eligible
10 child care providers improve their capacity to
11 offer high-quality and inclusive, age-appropriate
12 care;

13 “(L) establishing or expanding the oper-
14 ation of community or neighborhood-based fam-
15 ily child care networks; or

16 “(M) supporting eligible child care pro-
17 viders in providing accessible comprehensive
18 services for children and their families, includ-
19 ing—

20 “(i) screenings of vision, hearing,
21 health (including mental health), dental
22 health, and development (including early
23 literacy and math skill development), which
24 shall be coordinated with the activities car-
25 ried out through the comprehensive child

1 find system under the Individuals with
2 Disabilities Education Act (20 U.S.C.
3 1400 et seq.);

4 “(ii)(I) family engagement opportuni-
5 ties that take into account the language
6 spoken in the child’s home, such as parent
7 conferences (with opportunities for parents
8 to provide input about the child’s develop-
9 ment); and

10 “(II) support services, such as parent
11 education, home visiting, and family lit-
12 eracy services;

13 “(iii)(I) nutrition services, including
14 provision of nutritious meals and snack op-
15 tions aligned with the requirements in the
16 most recent guidelines promulgated by the
17 Secretary of Agriculture for the Child and
18 Adult Care Food Program authorized
19 under section 17 of the Richard B. Russell
20 National School Lunch Act (42 U.S.C.
21 1766); and

22 “(II) regular, age-appropriate, nutri-
23 tion education for children and their fami-
24 lies;

“(iv) programs, carried out in coordination with local educational agencies and entities providing services and supports authorized under part B and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.; 1431 et seq.), to ensure the full participation of infants and toddlers with disabilities and children with disabilities in high-quality and inclusive child care settings;

“(v) physical activity programs that—

“(I) are aligned with evidence-based guidelines, such as those recommended by the Health and Medicine Division of the National Academies of Sciences, Engineering, and Medicine; and

“(II) take into account and accommodate the needs of children with disabilities; and

“(vi) on-site service coordination, to the maximum extent feasible.”.

SEC. 108. ADMINISTRATION AND ENFORCEMENT.

Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “child
3 care standards” and inserting “standards for
4 child care described in clauses (i) and (ii) of
5 section 658E(c)(2)(W)”;

6 (B) in paragraph (3), by inserting “and”
7 after the semicolon;

8 (C) in paragraph (4), by striking “; and”
9 and inserting a period; and

10 (D) by striking paragraph (5);

11 (2) in subsection (b)(2)(A), by striking “State
12 allotment” and inserting “State payments”; and

13 (3) by striking subsection (c).

14 **SEC. 109. STATE QUARTERLY PAYMENTS.**

15 (a) IN GENERAL.—Section 658J of the Child Care
16 and Development Block Grant Act of 1990 (42 U.S.C.
17 9858h) is amended to read as follows:

18 **“SEC. 658J. PAYMENTS TO STATES.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) FMAP.—The term ‘FMAP’ has the mean-
21 ing given the term in the first sentence of section
22 1905(b) of the Social Security Act (42 U.S.C.
23 1396d(b)).

24 “(2) INFANT OR TODDLER.—The term ‘infant
25 or toddler’ means a child under age 3.

1 “(b) PAYMENTS TO STATES.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graphs (2) and (3), the Secretary shall pay to each
4 State with an application approved under section
5 658E an amount for each quarter equal to the
6 FMAP of expenditures in the quarter—

7 “(A) for child care assistance under the
8 plan for eligible children, other than such chil-
9 dren who are infants or toddlers; and

10 “(B) to carry out activities under section
11 658G, subject to the limit specified in section
12 658G(a)(2).

13 “(2) CHILD CARE ASSISTANCE FOR INFANTS OR
14 TODDLERS.—The Secretary shall pay to each State
15 with such an approved application an amount for
16 each quarter equal to 90 percent of expenditures in
17 the quarter for child care assistance under the plan
18 for eligible children who are infants or toddlers.

19 “(3) ADMINISTRATION.—The Secretary shall
20 pay to each State with such an approved application
21 an amount for each quarter equal to 50 percent of
22 expenditures in the quarter for the costs incurred by
23 the State in carrying out sections 658H and 658K,
24 and other reasonable costs incurred by the State to
25 administer the plan.

1 “(c) ADVANCE PAYMENT; RETROSPECTIVE ADJUST-
2 MENT.—

3 “(1) IN GENERAL.—The Secretary may make
4 payments under this section for each quarter on the
5 basis of advance estimates of expenditures submitted
6 by the State and such other investigation as the Sec-
7 retary may find necessary, and may reduce or in-
8 crease the payments as necessary to adjust for any
9 overpayment or underpayment for previous quarters.

10 “(2) LIMITATIONS.—The Secretary may not
11 make such payments in a manner that prevents a
12 State from complying with the requirement specified
13 in section 658E(c)(3).

14 “(d) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—
15 Nothing in this section shall be construed as preventing
16 a State from claiming as expenditures in a quarter ex-
17 penditures that were incurred in a previous quarter.

18 “(e) STATE ENTITLEMENT.—This subchapter con-
19 stitutes budget authority in advance of appropriations
20 Acts and represents the obligation of the Federal Govern-
21 ment to provide for payments to States under this section
22 from amounts provided under section 658B(a).”.

23 “(b) EFFECTIVE DATE.—The amendments made by
24 this section take effect on October 1, 2020.

1 **SEC. 110. REPORTING.**

2 Section 658K(a)(1)(B) of the Child Care and Devel-
 3 opment Block Grant Act of 1990 (42 U.S.C.
 4 9858i(a)(1)(B)) is amended—

5 (1) in clause (x), by striking “and”;

6 (2) by transferring clause (xi) so as to appear
 7 after clause (x);

8 (3) in clause (xi), by inserting “and” after the
 9 semicolon; and

10 (4) by inserting after clause (xi) the following:

11 “(xii) whether the children receiving
 12 assistance under this subchapter are either
 13 children with disabilities or infants and
 14 toddlers with disabilities;”.

15 **SEC. 111. PRIORITY; WEBSITE.**

16 Section 658L of the Child Care and Development
 17 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

18 (1) in the third sentence of subsection (a), by
 19 striking “658E(c)(3)(B)” and inserting “section
 20 658G(b)(8)(G)”;

21 (2) in subsection (b)(2)(B)—

22 (A) in clause (ii), by striking “a Quality
 23 Rating and Improvement System” and inserting
 24 “a tiered and transparent system for measuring
 25 the quality of child care providers described in
 26 section 658E(c)(2)(W)(i) and”;

1 (B) in clause (iv), by striking “and” at the
2 end;

3 (C) in clause (v), by striking the period
4 and inserting “; and”; and

5 (D) by inserting at the end the following:

6 “(vi) information about—

7 (I) high-quality and inclusive
8 care for children with disabilities and
9 infants and toddlers with disabilities,
10 including child care with early inter-
11 vention services under part C of the
12 Individuals with Disabilities Edu-
13 cation Act (20 U.S.C. 1431 et seq.)
14 for infants and toddlers with disabil-
15 ities and their families, and child care
16 with services and supports under part
17 B of the Individuals with Disabilities
18 Education Act (20 U.S.C. 1431 et
19 seq.) for children with disabilities; and

20 (II) other Federal, State, or
21 local programs that may support in-
22 clusive child care for infants and tod-
23 dlers, or children, referred to in sub-
24 clause (I).”.

1 **SEC. 112. NONDISCRIMINATION.**

2 Section 658N of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858l) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)(A), by striking “this
6 section” and inserting “this subsection”;

7 (B) by striking paragraph (2);

8 (C) by redesignating paragraphs (3) and
9 (4) as paragraphs (2) and (3), respectively; and

10 (D) in paragraph (3)—

11 (i) in the paragraph heading, by strik-
12 ing “AND ADMISSION”;

13 (ii) by striking “(1)(B), (2), and (3)”
14 and inserting “(1)(B) and (2)”;

15 (iii) by striking “and admissions”;

16 and

17 (iv) by striking “or admissions”;

18 (2) in subsection (b)—

19 (A) in the subsection heading, by striking
20 “STATE LAW” and inserting “OTHER LAWS”;

21 (B) by striking “Nothing” and inserting
22 the following:

23 “(1) EXPENDITURES.—Nothing”; and

24 (C) by adding at the end the following:

25 “(2) RIGHTS, REMEDIES, PROCEDURES, OR
26 STANDARDS.—Nothing in this subchapter shall be

1 construed to invalidate or limit rights, remedies, pro-
2 cedures, or legal standards available to victims of
3 discrimination in employment or in provision of pro-
4 grams and activities under any other Federal law or
5 law of a State or political subdivision of a State, in-
6 cluding the Civil Rights Act of 1964 (42 U.S.C.
7 2000a et seq.), title IX of the Education Amend-
8 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
9 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
10 794, 794a), or the Americans with Disabilities Act
11 of 1990 (42 U.S.C. 12101 et seq.). The obligations
12 imposed by this subchapter are in addition to those
13 imposed by the Civil Rights Act of 1964 (42 U.S.C.
14 2000a et seq.), title IX of the Education Amend-
15 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
16 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
17 and the Americans with Disabilities Act of 1990 (42
18 U.S.C. 12101 et seq.).”; and

19 (3) by adding at the end the following:

20 “(c) NONDISCRIMINATION IN PROGRAMS AND AC-
21 TIVITIES.—

22 “(1) IN GENERAL.—Except as described in
23 paragraph (2), no person in the United States shall,
24 on the basis of actual or perceived race, color, reli-
25 gion, national origin, sex, sexual orientation, gender

1 identity, or disability, be excluded from participation
2 in, be denied the benefits of, or be subjected to dis-
3 crimination under any program or activity funded in
4 whole or in part, with funds made available under
5 this subchapter or with amounts appropriated for
6 grants, contracts, or certificates administered with
7 such funds.

8 “(2) PREFERENCE IN ENROLLMENT.—If assist-
9 ance provided under this subchapter, and any other
10 Federal or State program, amounts to less than 80
11 percent of the operating budget of a child care pro-
12 vider that receives such assistance, a child care pro-
13 vider may select children for child care slots that are
14 not funded directly with assistance provided under
15 this subchapter because such children or their family
16 members participate on a regular basis in other ac-
17 tivities of the organization that owns or operates
18 such provider.”.

19 **SEC. 113. INDIAN TRIBES AND NATIONAL ACTIVITIES.**

20 (a) IN GENERAL.—Section 658O of the Child Care
21 and Development Block Grant Act of 1990 (42 U.S.C.
22 9858m) is amended—

23 (1) by striking the heading and inserting the
24 following:

1 **“SEC. 658O. INDIAN TRIBES AND NATIONAL ACTIVITIES.”;**

2 (2) in subsection (a)—

3 (A) in paragraph (1)—

4 (i) by striking “one half of 1 percent
5 of the amount appropriated under this
6 subchapter” and inserting “a portion of
7 the amount appropriated under section
8 658B(b)”;

9 (ii) by striking “to be allotted” and all
10 that follows and inserting the following:
11 “to be allotted by the Secretary—

12 “(A) in accordance with the respective
13 needs of those territories; and

14 “(B) taking into consideration—

15 “(i) the population of eligible children,
16 and the population of eligible children from
17 low-income families, to be served by the
18 territory involved; and

19 “(ii) the cost of child care in the terri-
20 tory.”;

21 (B) in paragraph (2)—

22 (i) by striking “(2) INDIANS TRIBES”
23 and all that follows through “658B in”
24 and inserting “(2) INDIAN TRIBES.—The
25 Secretary shall reserve the remainder of

1 the amount appropriated under section
2 658B(b) in”;

3 (ii) by striking “subsection (c)” and
4 inserting “subsection (b)”;

5 (iii) by striking subparagraph (B);

6 (C) in paragraph (3), by striking “reserve
7 up to \$1,500,000 of the amount appropriated
8 under this subchapter” and inserting “reserve
9 and use such sums as the Secretary may deter-
10 mine to be necessary of the amount appro-
11 priated under section 658B(a)”;

12 (D) in paragraph (4), by striking “reserve
13 up to 1/2 of 1 percent of the amount appro-
14 priated under this subchapter” and inserting
15 “reserve and use such sums as the Secretary
16 may determine to be necessary of the amount
17 appropriated under section 658B(a)”;

18 (E) in paragraph (5), by striking “reserve
19 1/2 of 1 percent of the amount appropriated
20 under this subchapter” and inserting “reserve
21 and use such sums as the Secretary may deter-
22 mine to be necessary of the amount appro-
23 priated under section 658B(a)”;

24 (3) by striking subsection (b);

25 (4) in subsection (c)—

1 (A) in paragraph (3)—

2 (i) in subparagraph (A), by striking
3 “and” at the end;

4 (ii) in subparagraph (B), by striking
5 the period and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(C)(i) the population of Indian or Native
9 Hawaiian eligible children, and the population
10 of Indian or Native Hawaiian eligible children
11 from low-income families, to be served by the
12 Indian tribe or tribal organization;

13 “(ii) the cost of child care in the area to
14 be served by the tribe or organization; and

15 “(iii) whether awarding a grant or contract
16 to the tribe or organization will increase the
17 number of programs that reach standards de-
18 scribed in subsection (a)(1)(B)(iii);”; and

19 (B) in paragraph (6)—

20 (i) by inserting “(or other recipient of
21 funds through a State payment under sec-
22 tion 658J (referred to in this paragraph as
23 a ‘covered recipient’))” after “organiza-
24 tion” the first place it appears; and

1 (ii) except as provided in subpara-
 2 graph (A), by inserting “(or other covered
 3 recipient)” after “organization” each place
 4 it appears;

5 (5) by redesignating subsection (c) as sub-
 6 section (b);

7 (6) by striking subsection (d);

8 (7) in subsection (e)—

9 (A) by striking paragraphs (1) through
 10 (3);

11 (B) by striking “(e) REALLOTMENTS.—”
 12 and all that follows through “Any” and insert-
 13 ing “(e) REALLOTMENTS.—Any”; and

14 (C) by striking “subsection (c)” each place
 15 it appears and inserting “subsection (b)”; and

16 (8) by redesignating subsections (e) and (f) as
 17 subsections (c) and (d), respectively.

18 (b) EFFECTIVE DATE.—This section takes effect on
 19 October 1, 2020.

20 **SEC. 114. DEFINITIONS.**

21 Section 658P of the Child Care and Development
 22 Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

23 (1) in paragraph (2)—

24 (A) by inserting “child care provider on be-
 25 half of a” before “parent”; and

1 (B) by striking “who may use such certifi-
2 cate only as payment”;

3 (2) in paragraph (3)—

4 (A) by striking subparagraph (B); and

5 (B) by redesignating subparagraphs (C)
6 and (D) as subparagraphs (B) and (C), respec-
7 tively;

8 (3) in paragraph (4)(B), by striking “85 per-
9 cent” and inserting “150 percent (100 percent for
10 fiscal year 2020, 115 percent for fiscal year 2021,
11 and 130 percent for fiscal year 2022)”; and

12 (4) by adding at the end the following:

13 “(16) FOSTER CARE.—

14 “(A) IN GENERAL.—The term ‘foster care’
15 means 24-hour substitute care for a child
16 placed away from the child’s parents or guard-
17 ians and for whom the State agency has place-
18 ment and care responsibility. The term includes
19 care through a placement in a foster family
20 home, a foster home of a relative, a group
21 home, an emergency shelter, a residential facil-
22 ity, a child care institution, or a pre-adoptive
23 home.

1 “(B) RULE.—A child shall be considered
2 to be in foster care in accordance with subpara-
3 graph (A) regardless of—

4 “(i) whether the foster care facility is
5 licensed and payments are made by the
6 State or local agency for the care of the
7 child;

8 “(ii) whether adoption subsidy pay-
9 ments are being made prior to the finaliza-
10 tion of an adoption; or

11 “(iii) whether there are Federal
12 matching funds for any payments de-
13 scribed in clause (i) or (ii) that are made.

14 “(17) GENDER IDENTITY.—The term ‘gender
15 identity’ means the gender-related identity, appear-
16 ance, mannerisms, or other gender-related character-
17 istics of an individual, regardless of the individual’s
18 designated sex at birth.

19 “(18) HIGH-QUALITY AND INCLUSIVE CARE.—
20 The term ‘high-quality and inclusive’, used with re-
21 spect to care (including child care), means care pro-
22 vided by an eligible child care provider—

23 “(A) that is at the highest tier of the
24 State’s tiered and transparent system for meas-

1 uring the quality of child care providers, under
2 section 658E(c)(2)(W)(i);

3 “(B) for whom the percentage of children
4 served by the provider who are children with
5 disabilities and infants and toddlers with dis-
6 abilities reflects the prevalence of children with
7 disabilities and infants and toddlers with dis-
8 abilities among children within the State; and

9 “(C) that provides care for children with
10 disabilities and infants and toddlers with dis-
11 abilities alongside children who are—

12 “(i) not infants and toddlers with dis-
13 abilities; and

14 “(ii) not children with disabilities.

15 “(19) HOMELESS CHILD.—The term ‘homeless
16 child’ means an individual who is a homeless child
17 or youth under section 725 of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11434).

19 “(20) INFANT OR TODDLER WITH A DIS-
20 ABILITY.—The term ‘infant or toddler with a dis-
21 ability’ has the meaning given the term in section
22 632 of the Individuals with Disabilities Education
23 Act (20 U.S.C. 1432).

1 “(21) KEY PROGRAMMATIC STRATEGIES.—The
2 term ‘key programmatic strategies’ means strategies
3 related to—

4 “(A) nutrition and physical activity;

5 “(B) recommended practices for age-ap-
6 propriate exposure to screen media; and

7 “(C) the integration and utilization of in-
8 structional methods to assist learning across
9 disciplines, including methods that use the arts,
10 language, literacy, mathematics, science, and
11 social studies.

12 “(22) SEX.—The term ‘sex’ includes—

13 “(A) a sex stereotype;

14 “(B) pregnancy, childbirth, or a related
15 medical condition; and

16 “(C) sexual orientation or gender identity.

17 “(23) SEXUAL ORIENTATION.—The term ‘sex-
18 ual orientation’ means homosexuality, hetero-
19 sexuality, or bisexuality.”.

20 **SEC. 115. MISCELLANEOUS PROVISIONS.**

21 Section 658S of the Child Care and Development
22 Block Grant Act of 1990 (42 U.S.C. 9858q) is amended—

23 (1) by striking “Notwithstanding” and insert-
24 ing the following:

1 “(a) CHILD CARE NOT TREATED AS INCOME.—Not-
2 withstanding”; and

3 (2) by adding at the end the following:

4 “(b) RULE OF CONSTRUCTION FOR COLLECTIVE
5 BARGAINING.—Nothing in this subchapter shall be con-
6 strued to alter, diminish, or otherwise affect the rights,
7 remedies, and procedures afforded to individuals employed
8 by schools or local educational agencies, or teachers and
9 other staff employed by child care providers—

10 “(1) under Federal, State, or local laws (includ-
11 ing applicable regulations or court orders); or

12 “(2) under the terms of collective bargaining
13 agreements, memoranda of understanding, or other
14 agreements between schools, agencies, or providers
15 that are referred to in this subsection, and their em-
16 ployees.”.

17 **SEC. 116. CONFORMING AMENDMENT.**

18 The Child Care and Development Block Grant Act
19 of 1990 (42 U.S.C. 9858 et seq.) is amended by striking
20 the subchapter heading and inserting the following:

21 **“Subchapter C—Child Care and Development**
22 **Assistance”.**

23 **SEC. 117. TECHNICAL AMENDMENTS.**

24 The Child Care and Development Block Grant Act
25 of 1990 (42 U.S.C. 9858 et seq.) is amended in sections

1 658I(c)(3) and 658L(a) by striking “the Workforce” each
2 place it appears and inserting “Labor”.

3 **SEC. 118. TRANSITION RULE.**

4 (a) IN GENERAL.—During fiscal years 2020 through
5 2022, the Secretary of Health and Human Services—

6 (1) shall make allotments and payments to
7 States and Indian tribes under section 658J and
8 658O of the Child Care and Development Block
9 Grant Act of 1990 (42 U.S.C. 9858h, 9858m), as in
10 effect immediately before the date of enactment of
11 this Act, subject to subsection (b); and

12 (2) shall carry out section 658E(c)(3) of that
13 Act (42 U.S.C. 9858e(c)(3)) by applying subpara-
14 graphs (C) and (E) of that section, as in effect on
15 that day.

16 (b) ADJUSTMENTS.—During fiscal years 2020
17 through 2022, the Secretary shall have authority to make
18 such adjustments as may be necessary to carry out sub-
19 section (a) and to transition to making quarterly payments
20 under section 658J and allotments under 658O of the
21 Child Care and Development Block Grant Act, as amend-
22 ed by this Act.

23 **SEC. 119. EFFECTIVE DATE.**

24 This title, and the amendments made by this title,
25 take effect on October 1, 2019.

TITLE II—HIGH-QUALITY PRESCHOOL

SEC. 201. FORMULA GRANTS TO STATES TO ESTABLISH VOLUNTARY HIGH-QUALITY PRESCHOOL PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) CHILD WITH A DISABILITY.—The term “child with a disability” has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) DUAL LANGUAGE LEARNER.—The term “dual language learner” means an individual who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832).

(3) ELIGIBLE CHILD.—The term “eligible child” means a child who is—

(A) age 3, 4, or 5;

(B) not yet enrolled in kindergarten; and

(C) a member of a family with a family income that does not exceed 150 percent of the State median income for a family of the same size.

(4) ELIGIBLE PROVIDER.—The term “eligible provider” includes a local educational agency, Head Start program funded under the Head Start Act (42

1 U.S.C. 9831 et seq.), licensed child care center, li-
2 censed family child care home, and community- or
3 neighborhood-based family child care network,
4 that—

5 (A) participates in the State’s tiered and
6 transparent system for measuring program
7 quality described in section 658E(c)(2)(W)(i) of
8 the Child Care and Development Block Grant
9 Act of 1990 (42 U.S.C. 9858c(c)(2)(W)(i)); and

10 (B) meets the highest tier of such system.

11 (5) FOSTER CARE.—

12 (A) IN GENERAL.—The term “foster care”
13 means 24-hour substitute care for a child
14 placed away from the child’s parents or guard-
15 ians and for whom the State agency has place-
16 ment and care responsibility. The term includes
17 care through a placement in a foster family
18 home, a foster home of a relative, a group
19 home, an emergency shelter, a residential facil-
20 ity, a child care institution, or a pre-adoptive
21 home.

22 (B) RULE.—A child shall be considered to
23 be in foster care in accordance with subpara-
24 graph (A) regardless of—

1 (i) whether the foster care facility is
2 licensed and payments are made by the
3 State or local agency for the care of the
4 child;

5 (ii) whether adoption subsidy pay-
6 ments are being made prior to the finaliza-
7 tion of an adoption; or

8 (iii) whether there are Federal match-
9 ing funds for any payments described in
10 clause (i) or (ii) that are made.

11 (6) GOVERNOR.—The term “Governor” means
12 the chief executive officer of a State.

13 (7) HIGH-NEED SCHOOL.—The term “high-need
14 school” means an elementary school in which not
15 less than 50 percent of the enrolled students are
16 children from low-income families, as defined in sec-
17 tion 2221(b)(3)(B) of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C.
19 6641(b)(3)(B)).

20 (8) HIGH-NEED LOCAL EDUCATIONAL AGEN-
21 CY.—The term “high-need local educational agency”
22 means a local educational agency that serves a high
23 percentage of high-need schools.

24 (9) HOMELESS CHILD.—The term “homeless
25 child” means an individual who is a homeless child

1 or youth under section 725 of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11434).

3 (10) INFANT OR TODDLER WITH A DIS-
4 ABILITY.—The term “infant or toddler with a dis-
5 ability” has the meaning given the term in section
6 632 of the Individuals with Disabilities Education
7 Act (20 U.S.C. 1432).

8 (11) KEY PROGRAMMATIC STRATEGIES.—The
9 term “key programmatic strategies” means strate-
10 gies related to—

11 (A) nutrition and physical activity;

12 (B) recommended practices for age-appro-
13 priate exposure to screen media; and

14 (C) the integration and utilization of in-
15 structional methods to assist learning across
16 disciplines, including methods that use the arts,
17 language, literacy, mathematics, science, and
18 social studies.

19 (12) LOW-INCOME CHILD.—The term “low-in-
20 come child” means a child who is a member of a
21 family with a family income that is at or below 200
22 percent of the poverty line.

23 (13) OUTLYING AREAS.—The term “outlying
24 areas” means the United States Virgin Islands,

1 Guam, American Samoa, and the Commonwealth of
2 the Northern Mariana Islands.

3 (14) POVERTY LINE.—The term “poverty line”
4 means the official poverty line (as defined by the Of-
5 fice of Management and Budget)—

6 (A) adjusted to reflect the percentage
7 change in the Consumer Price Index for All
8 Urban Consumers, issued by the Bureau of
9 Labor Statistics, occurring in the 1-year period
10 or other interval immediately preceding the date
11 such adjustment is made; and

12 (B) adjusted for family size.

13 (15) SPECIALIZED INSTRUCTIONAL SUPPORT
14 PERSONNEL.—The term “specialized instructional
15 support personnel” has the meaning given such term
16 in section 8101(47)(A) of the Elementary and Sec-
17 ondary Education Act (20 U.S.C. 7801(47)).

18 (16) STATE.—The term “State” means each of
19 the 50 States, the District of Columbia, and the
20 Commonwealth of Puerto Rico.

21 (b) ALLOTMENTS TO STATES.—

22 (1) RESERVATION.—From the total amount ap-
23 propriated to carry out this section for a fiscal year,
24 the Secretary of Health and Human Services, in col-
25 laboration with the Secretary of Education, shall—

1 (A) reserve not less than 1 percent and not
2 more than 2 percent for payments to Indian
3 tribes and tribal organizations;

4 (B) reserve $\frac{1}{2}$ of 1 percent for the outlying
5 areas to be distributed among the outlying
6 areas on the basis of their relative need, as de-
7 termined by the Secretary of Health and
8 Human Services in accordance with the pur-
9 poses of this section;

10 (C) reserve $\frac{1}{2}$ of 1 percent for eligible
11 local entities that serve children in families who
12 are engaged in migrant or seasonal agricultural
13 labor;

14 (D) reserve not more than 1 percent or
15 \$30,000,000, whichever amount is less, for na-
16 tional activities, including administration, tech-
17 nical assistance, and evaluation; and

18 (E) reserve 5 percent for State leadership
19 activities described in subsection (c), including
20 the grants described in such subsection.

21 (2) ALLOTMENT FORMULA.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), from the total amount ap-
24 propriated to carry out this section for a fiscal
25 year that remains after making the reservations

1 under paragraph (1), the Secretary of Health
2 and Human Services, in collaboration with the
3 Secretary of Education, shall allot to each State
4 for the fiscal year that has an application ap-
5 proved under subsection (d) an amount that
6 bears the same ratio to such remainder as the
7 number of children who are below the age of 6
8 who reside within the State and whose families
9 have an income at or below 200 percent of the
10 poverty line for the most recent year for which
11 satisfactory data are available, bears to the
12 number of such children who reside in all such
13 States for such most recent fiscal year for
14 which satisfactory data are available.

15 (B) MINIMUM ALLOTMENT AMOUNT.—No
16 State receiving an allotment under subpara-
17 graph (A) for a fiscal year shall receive less
18 than $\frac{1}{2}$ of 1 percent of the total amount allot-
19 ted under such subparagraph for the fiscal
20 year.

21 (c) STATE RESERVATION.—

22 (1) IN GENERAL.—The State leadership activi-
23 ties described in this subsection shall improve equi-
24 table access to high-quality preschool programs oper-
25 ated by eligible providers across the State, including

1 programs in high-need local educational agencies,
2 which shall include—

3 (A) ongoing professional development op-
4 portunities for school principals, school super-
5 intendents, teachers, specialized instructional
6 support personnel, and teacher assistants to im-
7 prove their practices, which may include activi-
8 ties that—

9 (i) prepare elementary schools to cre-
10 ate or expand preschool classrooms, includ-
11 ing training on developmentally appro-
12 priate practices and preparing classrooms
13 with materials and equipment for young
14 children;

15 (ii) promote children’s development
16 across all of the essential domains of early
17 learning and development;

18 (iii) improve curricula and teacher-
19 child interaction;

20 (iv) incorporate the inclusion of key
21 programmatic strategies into classroom in-
22 struction;

23 (v) increase effective family engage-
24 ment, including for families of dual lan-
25 guage learners;

1 (vi) provide culturally competent in-
2 struction, including effective instruction for
3 children with disabilities and dual language
4 learners;

5 (vii) improve social and emotional de-
6 velopment;

7 (viii) incorporate positive behavioral
8 interventions and supports and principles
9 of trauma-informed care;

10 (ix) align preschool curricula with ele-
11 mentary school standards and curricula;

12 (x) engage teachers, teacher leaders,
13 early childhood educators, and other pro-
14 fessionals in joint professional learning op-
15 portunities, as described in section
16 2103(b)(3)(G) of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 6613(b)(3)(G)); and

19 (xi) improve the transition of children
20 from preschool to elementary school;

21 (B) completing the Preschool Equity Re-
22 view and distributing grants as described in
23 paragraph (2) in accordance with the results of
24 such review;

1 (C) expanding or establishing scholarships,
2 counseling, and compensation initiatives to
3 cover the cost of tuition, fees, materials, trans-
4 portation, and release time for staff of eligible
5 providers to pursue credentials and degrees, in-
6 cluding bachelor's degrees; and

7 (D) partnerships between institutions of
8 higher education and eligible providers, includ-
9 ing high-need local educational agencies, to im-
10 prove access to early childhood educators, in-
11 cluding educators serving dual language learn-
12 ers and children with disabilities.

13 (2) GRANTS TO IMPROVE EQUITABLE ACCESS
14 TO HIGH-QUALITY PRESCHOOL PROGRAMS.—

15 (A) IN GENERAL.—From amounts reserved
16 under subsection (b)(1)(E), a State shall make
17 grants to rectify resource inequities in preschool
18 programs and expand access to high-quality
19 preschool programs for all children, including
20 children described in items (aa) through (dd) of
21 subparagraph (B)(ii)(I). Such grants shall be
22 awarded to high-need local educational agencies
23 in order to improve their capacity to offer high-
24 quality preschool programs for eligible children,

1 which may include paying the costs of renova-
2 tion.

3 (B) PRESCHOOL EQUITY REVIEW.—

4 (i) IN GENERAL.—Each State making
5 grants under subparagraph (A) shall com-
6 plete an annual Preschool Equity Review
7 that informs the distribution of funds
8 under such subparagraph.

9 (ii) CONTENTS OF REVIEW.—Each
10 Preschool Equity Review shall include data
11 on—

12 (I) the percentage of children
13 participating in preschool programs
14 funded under this section,
15 disaggregated by status as—

16 (aa) children with disabil-
17 ities;

18 (bb) low-income children;

19 (cc) children from major
20 ethnic and racial groups; and

21 (dd) dual language learners;

22 (II) the geographic location of
23 preschool programs funded under this
24 section;

1 (III) the quality of preschool pro-
2 grams funded under the section, com-
3 pared to such programs not funded
4 under this section; and

5 (IV) resource inequities between
6 preschool programs, including pro-
7 grams serving a high percentage of
8 children described in items (aa)
9 through (dd) of subclause (I).

10 (d) STATE APPLICATION.—In order to receive an al-
11 lotment under this section, the Governor of a State shall
12 submit an application at such time and in such manner
13 as the Secretary of Health and Human Services, in col-
14 laboration with the Secretary of Education, may require.
15 Such application shall include each of the following:

16 (1) A description of how the State will provide
17 access to high-quality preschool during the school
18 day for eligible children in the State within 3 years,
19 which shall include the following:

20 (A) How the State plans to distribute
21 funds from the State's allotment to eligible pro-
22 viders, including an assurance that the Gov-
23 ernor will designate a State-level entity (such as
24 an agency or joint interagency office) for the
25 administration of the grant.

1 (B) An explanation of how the State will
2 ensure that eligible providers receiving funds
3 under this section will use research-based cur-
4 ricula that are aligned with State early learning
5 standards that are developmentally appropriate
6 and include, at a minimum, each of the fol-
7 lowing domains:

8 (i) Language development.

9 (ii) Literacy.

10 (iii) Mathematics.

11 (iv) Science.

12 (v) Creative arts.

13 (vi) Social and emotional development.

14 (vii) Approaches to learning.

15 (viii) Physical development.

16 (C) How the State will coordinate services
17 provided under this section with services and
18 supports provided under the Child Care and
19 Development Block Grant Act of 1990 (42
20 U.S.C. 9858 et seq.), section 619 and part C of
21 the Individuals with Disabilities Education Act
22 (20 U.S.C. 1419; 1431 et seq.), the Head Start
23 Act (42 U.S.C. 9831 et seq.), the Preschool De-
24 velopment Grants program under section 9212
25 of the Every Student Succeeds Act (42 U.S.C.

1 9831 note), the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6301 et
3 seq.), the McKinney-Vento Homeless Assistance
4 Act (42 U.S.C. 11301 et seq.) and the mater-
5 nal, infant, and early childhood home visiting
6 programs assisted under section 511 of the So-
7 cial Security Act (42 U.S.C. 711).

8 (D) How the State will improve transitions
9 from early childhood education to elementary
10 school, including how the State will ensure that
11 preschool programs—

12 (i) share relevant data between early
13 childhood educators and kindergarten
14 teachers;

15 (ii) share instructional, behavioral,
16 and other information between early child-
17 hood educators and kindergarten teachers
18 to best support the transition of children
19 with disabilities who may need services and
20 supports provided under part B of the In-
21 dividuals with Disabilities Education Act
22 (42 U.S.C. 1411 et seq.) into general edu-
23 cation settings; and

1 (iii) share information about the pro-
2 ficiency of dual language learners in both
3 English and their native language.

4 (E) How the State will provide ongoing
5 monitoring and support and conduct evalua-
6 tions of preschool programs funded under this
7 section.

8 (F) How the State has reviewed the stra-
9 tegic plan developed under section 9212 of the
10 Every Student Succeeds Act (42 U.S.C. 9831
11 note) or engaged in a similar strategy to facili-
12 tate coordination of existing early learning and
13 care programs in a mixed delivery system.

14 (G) If the State funds full-day kinder-
15 garten programs, but such full-day kinder-
16 garten programs are not available to all chil-
17 dren who are eligible to attend such programs
18 in the State, how the State plans to increase
19 the number of children in the State who are en-
20 rolled in full-day kindergarten programs and a
21 strategy to implement such a plan.

22 (H) If the State does not fund full-day
23 kindergarten programs, a description of how
24 the State plans to establish such programs to
25 strengthen the educational continuum for chil-

1 dren who will be involved in the State’s high-
2 quality preschool program supported under this
3 title.

4 (2) An assurance that all preschool programs
5 funded under this section will—

6 (A) offer programming that meets the du-
7 ration requirements in the program perform-
8 ance standards applicable to Head Start pro-
9 grams described in section 641A of the Head
10 Start Act (42 U.S.C. 9836a);

11 (B) adopt policies and practices to provide
12 expedited enrollment, including prioritization,
13 to—

14 (i) homeless children;

15 (ii) children in foster care; and

16 (iii) migratory children;

17 (C) conduct outreach to families of—

18 (i) homeless children;

19 (ii) dual language learners;

20 (iii) children in foster care;

21 (iv) children with disabilities;

22 (v) infants and toddlers with disabil-
23 ities; and

24 (vi) migratory children;

1 (D) provide salaries to staff of eligible pro-
2 viders that are on the same pay scale as ele-
3 mentary school educators with similar creden-
4 tials and experience;

5 (E) require high staff qualifications for
6 teachers, including, at a minimum, meeting the
7 staff qualifications included in the quality
8 standards of the National Institute for Early
9 Education Research that are in effect on the
10 date of enactment of this Act by not later than
11 4 years after the date the State first receives an
12 allotment under this section; and

13 (F) determine whether children are dual
14 language learners and provide services to en-
15 sure the full and effective participation of such
16 learners and their families.

17 (3) An assurance that the State will provide as-
18 sistance under this section only to eligible providers
19 that prohibit the use of suspension, expulsion, and
20 aversive behavioral interventions.

21 (4) An assurance that the State will meet the
22 requirements of clauses (ii) and (iii) of section
23 658E(c)(2)(T) of the Child Care and Development
24 Block Grant Act of 1990 (42 U.S.C.
25 9858c(c)(2)(T)(ii) and (iii)).

1 (e) USE OF FUNDS.—A State that receives an allot-
2 ment under subsection (b)(2) for a fiscal year shall use
3 the allotment to carry out the activities described in the
4 State’s application described in subsection (d).

5 (f) MATCH REQUIRED.—A State that receives an al-
6 lotment under subsection (b)(2) for a fiscal year shall pro-
7 vide matching funds from non-Federal sources in an
8 amount equal to 10 percent of the Federal funds that such
9 State receives under such subsection for the fiscal year.

10 (g) REPORTING.—

11 (1) IN GENERAL.—Each State that receives an
12 allotment under subsection (b)(2) shall prepare an
13 annual report, in such manner and containing such
14 information as the Secretary of Health and Human
15 Services may reasonably require.

16 (2) CONTENTS.—A report prepared under para-
17 graph (1) shall contain, at a minimum—

18 (A) a description of the manner in which
19 the State has used the funds made available
20 through the allotment and a report of the ex-
21 penditures made with the funds;

22 (B) a summary of the State’s progress to-
23 ward providing access to high-quality preschool
24 programs for eligible children;

1 (C) an evaluation of the State’s progress
2 towards improving equitable access to high-
3 quality preschool, as measured by the Preschool
4 Equity Review described in subsection
5 (c)(2)(B), disaggregated by the categories
6 under subsection (c)(2)(B)(ii)(I);

7 (D) the number and percentage of children
8 in the State participating in eligible preschool
9 programs, disaggregated by race, ethnicity,
10 family income, child age, disability, and whether
11 the children are homeless children, children in
12 foster care, or dual language learners;

13 (E) data on the number and percentage of
14 children in the State participating in public kin-
15 dergarten programs, disaggregated by race,
16 family income, child age, disability, and whether
17 the children are homeless children, children in
18 foster care, or dual language learners, with in-
19 formation on whether such programs are of-
20 fered—

21 (i) for a full day; and

22 (ii) at no cost to families; and

23 (F) data on the kindergarten readiness of
24 children across the State.

25 (h) MAINTENANCE OF EFFORT.—

1 (1) IN GENERAL.—If a State reduces its com-
2 bined fiscal effort per child for its State preschool
3 program or State supplemental assistance funds for
4 Head Start programs assisted under the Head Start
5 Act (42 U.S.C. 9831 et seq.) for any fiscal year that
6 a State receives an allotment under subsection
7 (b)(2) relative to the previous fiscal year, the Sec-
8 retary of Health and Human Services, in collabora-
9 tion with the Secretary of Education, shall reduce
10 support for such State under such subsection by the
11 same amount as the decline in State effort for such
12 fiscal year.

13 (2) WAIVER.—The Secretary of Health and
14 Human Services, in collaboration with the Secretary
15 of Education, may waive the requirements of para-
16 graph (1) if—

17 (A) the Secretaries determine that a waiv-
18 er would be appropriate due to a precipitous de-
19 cline in the financial resources of a State as a
20 result of unforeseen economic hardship or a
21 natural disaster that has necessitated across-
22 the-board reductions in State services during
23 the 5-year period preceding the date of the de-
24 termination, including for early childhood edu-
25 cation programs; or

1 (B) due to the circumstances of a State re-
 2 quiring reductions in specific programs, includ-
 3 ing early childhood education, the State pre-
 4 sents to the Secretaries a justification and dem-
 5 onstration why other programs could not be re-
 6 duced and how early childhood programs in the
 7 State will not be disproportionately harmed by
 8 such State action.

9 (i) SUPPLEMENT NOT SUPPLANT.—Funds received
 10 under this section shall be used to supplement and not
 11 supplant other Federal, State, and local public funds ex-
 12 pended on early childhood education programs in the
 13 State.

14 (j) APPROPRIATIONS.—There is authorized to be ap-
 15 propriated, and there is appropriated, to carry out this
 16 section, \$8,000,000,000 for each of fiscal years 2020
 17 through 2030.

18 **TITLE III—HEAD START** 19 **EXTENDED DURATION**

20 **SEC. 301. EXTENDED DURATION.**

21 (a) IN GENERAL.—The Head Start Act (42 U.S.C.
 22 9801 et seq.) is amended—

23 (1) by redesignating section 657C (42 U.S.C.
 24 9852c) as section 657D; and

1 (2) by inserting after section 657B (42 U.S.C.
2 9852b) the following:

3 **“SEC. 657C. EXTENDED DURATION.**

4 “(a) IN GENERAL.—The Secretary shall make grants
5 to Head Start (including Early Head Start) agencies
6 funded under this subchapter to enable such agencies—

7 “(1) to provide access to a full school year and
8 a full school day of services;

9 “(2) in the case of a migrant and seasonal
10 Head Start agency, to provide access to additional
11 service hours to ensure continuous Head Start serv-
12 ices as determined by the Secretary; or

13 “(3) in the case of a Head Start agency (in-
14 cluding an Early Head Start agency) that already
15 meets the full-day, full-year services needs within its
16 community, to enhance the quality of Head Start
17 services (including Early Head Start services) pro-
18 vided to children served by such agency.

19 “(b) APPLICATION.—

20 “(1) IN GENERAL.—To be eligible to receive a
21 grant under this section, a Head Start agency shall
22 submit an application at such time and in such man-
23 ner as the Secretary may require. Such application
24 shall include—

25 “(A) evidence of—

1 “(i) the number and percentage of
2 slots—

3 “(I) in the agency’s Head Start
4 center-based programs (that are not
5 Early Head Start programs)—

6 “(aa) that are currently
7 funded (as of the date of submis-
8 sion of the application); and

9 “(bb) in which services are
10 provided for at least the equiva-
11 lent of 1,020 hours per year; and

12 “(II) in the agency’s Early Head
13 Start center-based programs—

14 “(aa) that are currently
15 funded (as of that date); and

16 “(bb) in which services are
17 provided for at least the equiva-
18 lent of 1,380 hours per year; and

19 “(ii) the number and percentage of
20 slots, in the agency’s Head Start family
21 child care programs—

22 “(I) that are currently funded
23 (as of that date); and

1 “(II) in which services are pro-
2 vided for at least the equivalent of
3 1,380 hours per year;

4 “(B) a description of an approach, using
5 the current community-wide strategic planning
6 and needs assessment described in section
7 640(g)(1)(C) and current program schedule
8 (current as of the date of submission of the ap-
9 plication), that transitions all of the agency’s
10 Head Start programs to a full school day, full
11 school year program schedule; and

12 “(C) a budget justification that estimates
13 the supplemental funding necessary to provide
14 for incremental ongoing operating costs for the
15 extended hours of service under such a program
16 schedule for the current enrollment in the agen-
17 cy’s Head Start programs.

18 “(2) EXCEPTIONS.—

19 “(A) MIGRANT AND SEASONAL HEAD
20 START.—

21 “(i) IN GENERAL.—A migrant and
22 seasonal Head Start agency may apply for
23 a grant described in subsection (a) without
24 meeting the requirements specified in para-
25 graph (1) to ensure continuous Head Start

1 services are provided to children enrolled in
2 a migrant and seasonal Head Start pro-
3 gram. To be eligible to receive the grant,
4 the agency shall submit an application at
5 such time and in such manner as the Sec-
6 retary may require.

7 “(ii) PRIORITY.—In making grants to
8 applicants described in clause (i), the Sec-
9 retary shall give priority to a migrant and
10 seasonal Head Start agency operating for
11 fewer than 8 months per year.

12 “(B) FULL-DAY, FULL-YEAR HEAD START
13 AGENCIES.—

14 “(i) IN GENERAL.—A Head Start
15 agency (including an Early Head Start
16 agency) that certifies to the Secretary that
17 it is meeting the full-day, full-year need
18 within its community may apply for a
19 grant to enhance the quality of services
20 provided to children enrolled in its Head
21 Start program (including its Early Head
22 Start program) in accordance with sub-
23 section (c)(2).

24 “(ii) APPLICATION.—A Head Start
25 (including Early Head Start) agency that

1 meets the requirements of clause (i) shall
2 submit an application, which shall in-
3 clude—

4 “(I) the proposed uses of funds
5 in accordance with subsection (c)(2);
6 and

7 “(II) how such uses of funds re-
8 late to the community-wide strategic
9 planning and needs assessment de-
10 scribed under section 640(g)(1)(C).

11 “(c) USE OF FUNDS.—

12 “(1) EXTENDED DURATION.—A Head Start
13 agency that meets the requirements of paragraph
14 (1) or (2) of subsection (a) receiving a grant under
15 this section shall use the grant funds to cover the
16 costs associated with extending those hours of serv-
17 ice for the current enrollment, such as additional
18 costs for—

19 “(A) the purchase, rental, renovation, and
20 maintenance of additional facilities;

21 “(B) ongoing purchases of classroom sup-
22 plies;

23 “(C) staff providing services during the ex-
24 tended hours; and

1 “(D) professional development to staff
2 transitioning to providing services during the
3 extended hours.

4 “(2) ENHANCING PROGRAM QUALITY.—A Head
5 Start (including Early Head Start) agency that
6 meets the requirements of subsection (a)(3) shall use
7 funds for the activities authorized under section
8 640(a)(5)(B).

9 “(3) EXCEPTION.—The Head Start agency
10 shall not use the grant funds to expand the number
11 of children served in the Head Start programs (in-
12 cluding Early Head Start programs) of the agency.

13 “(d) RESERVATIONS.—

14 “(1) ACTIVITIES.—From the total amount ap-
15 propriated to carry out this section, the Secretary
16 shall—

17 “(A) for making grants for the activities
18 described in subsection (c)(1)(A), reserve
19 \$4,000,000,000 of the funds appropriated for
20 fiscal year 2020; and

21 “(B) for making grants for the activities
22 described in any of subparagraphs (B) through
23 (D) of subsection (c)(1), reserve—

24 “(i) \$490,000,000 of the funds appro-
25 priated for fiscal year 2020;

1 “(ii) \$780,000,000 of the funds ap-
2 propriated for fiscal year 2021; and

3 “(iii) \$1,070,000,000 of the funds ap-
4 propriated for fiscal year 2022.

5 “(2) PRIORITY.—The Secretary shall prioritize
6 Head Start agencies (including Early Head Start
7 agencies) that are applying to use funds to carry out
8 the activities described in subsection (a)(1).

9 “(3) MIGRANT OR SEASONAL HEAD START PRO-
10 GRAMS.—From the amount appropriated to carry
11 out this section for a fiscal year and reserved under
12 paragraph (1)(B), the Secretary shall reserve 4.5
13 percent for migrant or seasonal Head Start pro-
14 grams.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this sec-
17 tion—

18 “(1) \$3,876,000,000 for fiscal year 2020;

19 “(2) \$648,000,000 for fiscal year 2021; and

20 “(3) \$1,019,000,000 for fiscal year 2022.

21 “(f) DEFINITIONS.—In this section:

22 “(1) FULL SCHOOL DAY; FULL SCHOOL
23 YEAR.—The terms ‘full school day’ and ‘full school
24 year’ mean such a day and year, respectively, within

1 the meaning of the Head Start Program Perform-
 2 ance standards issued under section 641A(a).

3 “(2) MIGRANT AND SEASONAL HEAD START
 4 AGENCY.—The term ‘migrant and seasonal Head
 5 Start agency’ means an agency that is funded under
 6 this subchapter to provide a migrant and seasonal
 7 Head Start program.”.

8 (b) CONFORMING AMENDMENTS.—Section 640 of the
 9 Head Start Act (42 U.S.C. 9835) is amended—

10 (1) in subsection (a)(6), by striking “appro-
 11 priated under this subchapter” each place it appears
 12 and inserting “appropriated under section 639”; and

13 (2) in subsection (g)(3)(A)—

14 (A) by striking “amount appropriated”
 15 each place it appears and inserting “amount
 16 appropriated under section 639”;

17 (B) by striking “services provided under
 18 this subchapter” and inserting “services pro-
 19 vided under this subchapter (other than section
 20 657C)”; and

21 (C) by striking “agency under this sub-
 22 chapter” and inserting “agency under this sub-
 23 chapter (other than section 657C)”.

1 **TITLE IV—APPROPRIATIONS**
2 **FOR SUPPORTS AND SERV-**
3 **ICES FOR INCLUSIVE CHILD**
4 **CARE FOR INFANTS, TOD-**
5 **DLERS, AND CHILDREN WITH**
6 **DISABILITIES**

7 **SEC. 401. APPROPRIATIONS FOR SUPPORTS AND SERVICES**
8 **FOR INCLUSIVE CHILD CARE FOR INFANTS,**
9 **TODDLERS, AND CHILDREN WITH DISABIL-**
10 **ITIES.**

11 There is authorized to be appropriated and there is
12 appropriated for each State for each quarter an amount
13 that is equal to 5 percent of the payment to such State
14 for such quarter under section 658J of the Child Care and
15 Development Block Grant Act of 1990 (42 U.S.C. 9858h)
16 to be used by—

17 (1) the State’s lead agency designated or estab-
18 lished under section 635(a)(10) of the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1435(a)(10)) to provide early intervention services
21 for infants and toddlers with disabilities (as defined
22 in section 632 of the Individuals with Disabilities
23 Education Act (20 U.S.C. 1432)) and their families
24 in settings that provide high-quality inclusive care to
25 such children; and

1 (2) the State to provide services and supports
2 to children with disabilities (as defined in section
3 658P of the Child Care and Development Block
4 Grant Act of 1990 (42 U.S.C. 9858n)) in settings
5 that provide high-quality inclusive care to such chil-
6 dren.

7 **TITLE V—MATERNAL, INFANT,**
8 **AND EARLY CHILDHOOD**
9 **HOME VISITING PROGRAM**

10 **SEC. 501. SENSE OF SENATE.**

11 It is the sense of the Senate that—

12 (1) from the prenatal period to the first day of
13 kindergarten, children’s development rapidly pro-
14 gresses at a pace exceeding that of any subsequent
15 stage of life;

16 (2) as reported by the National Academy of
17 Sciences in 2001, striking disparities exist in what
18 children know and can do that are evident well be-
19 fore they enter kindergarten; these differences are
20 strongly associated with social and economic cir-
21 cumstances, and they are predictive of subsequent
22 academic performance;

23 (3) research has consistently demonstrated that
24 investments in high-quality programs that serve in-
25 fants and toddlers better position those children for

1 success in elementary, secondary, and postsecondary
2 education as well as helping children develop the
3 critical physical, emotional, social, and cognitive
4 skills that they will need for the rest of their lives;

5 (4) in 2011, there were 11,000,000 infants and
6 toddlers living in the United States and 49 percent
7 of these children came from low-income families liv-
8 ing with incomes at or below 200 percent of the
9 Federal poverty guidelines;

10 (5) the Maternal, Infant, and Early Childhood
11 Home Visiting (MIECHV) program was authorized
12 by Congress to facilitate collaboration and partner-
13 ship at the Federal, State, and community levels to
14 improve health and development outcomes for at-risk
15 children, including those from low-income families,
16 through evidence-based home visiting programs;

17 (6) MIECHV is an evidence-based policy initia-
18 tive and its authorizing legislation requires that at
19 least 75 percent of funds dedicated to the program
20 must support programs to implement evidence-based
21 home visiting models, which includes the home-based
22 model of Early Head Start;

23 (7) in fiscal year 2016, MIECHV served ap-
24 proximately 160,000 parents and children, which is
25 only a small portion of those eligible, in 893 counties

1 covering all 50 States, the District of Columbia, and
2 5 territories; and

3 (8) Congress should increase its investment in
4 MIECHV to support the work of States to help
5 more at-risk families voluntarily receive home visits
6 from home visitors to—

7 (A) promote maternal, infant, and child
8 health;

9 (B) improve school readiness and achieve-
10 ment;

11 (C) prevent potential child abuse or neglect
12 and injuries;

13 (D) support family economic self-suffi-
14 ciency;

15 (E) reduce crime or domestic violence; and

16 (F) improve coordination or referrals for
17 community resources and supports.

○